

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

DOCKET NO. 04-CV-10924-NMG

PETER MOREY, D.V.M.,

Plaintiff,

vs.

HEALTHY PET CORPORATION OF
MASSACHUSETTS AND HEALTHY
PET CORPORATION,

Defendants.

DEFENDANT'S AUTOMATIC
DISCLOSURE PURSUANT TO RULE 26

Now comes the defendants in the above matter and hereby provide their automatic disclosure under Rule 26 as follows:

A. Plaintiffs identify the following individuals as having discoverable information that may be used to support Plaintiff's claims and defenses:

1. Peter Morey, DVM, 571 Sugarhouse Road, P.O. Box 853 New London, NH 03257.
2. Margit Morey, DVM, 571 Sugarhouse Road, P.O. Box 853 New London, NH 03257
3. Frank C. Muggia, 6438 West Quaker St., Orchard Park, NY 14127.
4. Rachel Wilde, Healthy Pet, 172 Post Road, Fairfield, CT 06824.
5. Dr. Rod Polling, 157 Pine Street, Dover, MA 02030.
6. Cheryl Sonick. Healthy Pet, 172 Post Road, Fairfield, CT 06824
7. Kristin Ruggiero, Healthy Pet Regional Manager, 172 Post Road, Fairfield, CT 06824.
8. Kathleen Rogers, 93 Maraposa Road, Lowell, MA 01851.
9. Dr. Betty Johnston, 5 South Street, Acton, MA 01720.
10. Bonnie Wozniak, 70 Wheeler Road, Pepperell, MA 01463.
11. Jessica Nutile, Carlisle Animal Hospital, Carlisle, MA
12. Diane Wolf, Carlisle Animal Hospital, Carlisle, MA

13. Karen Friend, Carlisle Animal Hospital, Carlisle, MA
14. Laura Shields, Carlisle Animal Hospital, Carlisle, MA
15. A representative of Massachusetts Society for the Prevention of Cruelty to Animals.
16. Gino Volpacchio, President, Healthy Pet Corporation.

- B. Attached hereto, bates-stamped 1 through 193, are documents relating to the underlying transaction, and documents relevant to Dr. Morey's termination and the litigation.
- C. The extent of the damages cannot be determined at this time, but will be used by relying, in part, upon the documents attached under paragraph B above.
- D. Insurance Agreement: None.
- E. Experts: No determination has been made with respect to experts. Defendants reserve their rights to supplement this disclosure at a later date.

Respectfully submitted,
HEALTHY PET CORP. OF
MASSACHUSETTS AND
HEALTHY PET CORP.,
By their attorneys,

/s/ David B. Wilson
David B. Wilson (BBO#548359)
ROBINSON & COLE LLP
One Boston Place
Boston, MA 02108
Tel 617-557-5900

Dated: December 29, 2005

CERTIFICATE OF SERVICE

I hereby certify that on December 29, 2005, I caused to be served a true and correct copy of the foregoing electronically to:

Frank C. Muggia, Esq.
Frank C. Muggia & Assoc.
6438 W. Quaker Street
Orchard Park, New York 14127

and by fax/mail to: Kevin M. Hensley, Esq.
Warren Hensley & Bowen
185 Devonshire Street, #1000
Boston, MA 02110

s/ David B. Wilson
David B. Wilson